

EXHIBIT 1

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Elizabeth Yoder, individually, and as Guardian
of J.Y., a minor,

Plaintiffs,

vs.

Prisma Health, and Rose Coady, individually,

Defendants.

IN THE COURT OF COMMON PLEAS

CASE NO.: 2021-CP-23-

SUMMONS

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is attached herewith served upon you, and to serve a copy of your answer to said Complaint on the subscribers at their office at Post Office Box 2765, 229 Magnolia Street, Spartanburg, South Carolina, 29304, within thirty (30) days after such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in this Complaint.

LAW OFFICE OF TYLER RODY, LLC

S/Tyler Rody

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ATTORNEY FOR THE PLAINTIFF

November 15, 2021

Spartanburg, South Carolina

STATE OF SOUTH CAROLINA

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COMPLAINT

(Jury Trial Requested)

The Plaintiffs, complaining as to Defendants Prisma Health and Rose Coady would respectfully show unto this Court as follows:

GENERAL ALLEGATIONS

1. Elizabeth Yoder and J.Y. are residents of Greenville County, South Carolina.
2. Mrs. Yoder is the guardian and parent of J.Y., who is a disabled minor under the age of 18.
3. Prisma Health is a nonprofit entity licensed to do business in the State of South Carolina.
4. Upon information and belief, at all times relevant to this action, Defendant Rose Coady was an agent, servant, and/or employee of Defendant Prisma Health.
5. Upon information and belief, at all times relevant to this action, Defendant Coady was a doctor acting as an agent, servant, and/or employee and within the scope of her agency or employment with Defendant Prisma Health.
6. On or about July 26, 2021, J.Y. and his older sister had appointments scheduled with Defendant Coady at Prisma Health's Pediatric and Internal Medicine in Greenville, SC.
7. Mrs. Yoder, J.Y., and J.Y.'s sister appeared at Prisma Health's Pediatric and Internal

Medicine on or about July 26, 2021 for their appointments.

8. J.Y. has a documented medical exemption from all vaccines due to his disability and suspected adverse vaccine reaction that occurred when he was an infant.
9. After reviewing J.Y.'s vaccination status, Defendant Coady told Mrs. Yoder that J.Y. needed to receive every vaccine he had not yet received, despite his exempt status, or she would not see him as a patient.

FOR A FIRST CAUSE OF ACTION
VIOLATION OF TITLE III OF THE AMERICANS WITH DISABILITIES ACT (ADA)
As to both Defendants

10. The previous paragraphs are incorporated herein as if restated verbatim.
11. J.Y. has a mental impairment that affects his intelligence. His IQ level is that of a three-year-old, and he is twelve.
12. J.Y. has significant physical limitations and walks with the assistance of braces on his legs.
13. As a pediatric doctor's office, Prisma Health's Pediatric and Internal Medicine is a public accommodation facility and is thus subject to the laws of Title III of the ADA.
14. Defendant Coady rejected J.Y. as a patient because of his conditions, vaccination status, and disability.
15. Defendant Coady terminated J.Y.'s appointment when Mrs. Yoder did not agree for J.Y. to receive every vaccination he was missing.
16. Defendant Coady did not offer any sort of accommodation for J.Y.

FOR A SECOND CAUSE OF ACTION
VIOLATION OF THE SOUTH CAROLINA BILL OF RIGHTS FOR HANDICAPPED PERSONS
As to Defendant Coady

17. The previous paragraphs are incorporated herein as if restated verbatim.

18. Defendant Coady discriminated against J.Y. by not allowing him access to medical treatment at Prisma Health's Pediatric and Internal Medicine due to his conditions, vaccination status, and disability.
19. Defendant Coady had no reasonable justification for discriminating against J.Y.

FOR A THIRD CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
As to Defendant Coady

20. The previous paragraphs are incorporated herein as if restated verbatim.
21. Defendant Coady knowingly violated Prisma Health policy regarding treatment of unvaccinated patients.
22. Defendant Coady demanded J.Y. receive vaccinations as a condition for her to see him as a patient, despite knowing his medical history and contraindications for vaccination.
23. Defendant Coady intentionally or recklessly inflicted emotional distress on these particularly susceptible Plaintiffs, or she was certain or substantially certain that such distress to Plaintiffs would result from her conduct.
24. Defendant Coady's conduct was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious and utterly intolerable in a civilized community.
25. Defendant Coady caused Plaintiffs' emotional distress, which was so severe that no reasonable person could be expected to endure it.

FOR A FOURTH CAUSE OF ACTION
VICARIOUS LIABILITY
As to Defendant Prisma Health

26. The previous paragraphs are incorporated herein as if restated verbatim.
27. The discriminatory, reckless, and intentional acts of Defendant Prisma Health's employee

or agent, Defendant Coady are imputed to Defendant Prisma Health under the doctrine of *respondeat superior*.

FOUR A FIFTH CAUSE OF ACTION
NEGLIGENCE/GROSS NEGLIGENCE
As to Defendant Prisma Health

28. The previous paragraphs are incorporated herein as if restated verbatim.

29. The injuries and damages to Plaintiffs were the direct and proximate result of the negligent, grossly negligent, careless, and reckless acts and omissions on the part of Defendant Prisma Health in one or more of the following particulars:

- a. Choosing to hire inadequately trained personnel;
- b. Choosing not to adequately train personnel;
- c. Choosing not to adequately manage personnel;
- d. Choosing not to adequately supervise personnel;
- e. Choosing to retain unqualified personnel; and
- f. In such other particulars as may be found through discovery or trial.

30. As a result of Defendant Prisma Health's aforesaid acts and/or omissions, Plaintiffs were the victims of discriminatory behavior and have suffered damages as outlined in this Complaint and incorporated into this cause of action.

WHEREFORE, Plaintiff prays for judgment against the Defendants for an amount not to exceed the statutory jurisdiction of the Court, specifically all:

- a. actual damages found to be fair and equitable within the discretion of the fact finder;
- b. injunctive relief to prevent future discrimination;
- c. punitive damages if proven by clear and convincing evidence found to be fair and

equitable within the discretion of the fact finder;

d. attorney's fees at the discretion of the Court;

e. for prejudgment interest at the rate as authorized by the South Carolina Supreme Court and S.C. Code Ann. § 34-31-20 (B); and

f. for such other and further relief as the Court may deem just and proper.

Respectfully submitted by:

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